

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLON J. TRAMBLE,

Plaintiff,

v.

SEATTLE POLICE DEPARTMENT, *et al.*,

Defendants.

Case No. C24-1684-RAJ

REPORT AND RECOMMENDATION

Plaintiff has filed an application to proceed *in forma pauperis* in the above-entitled action. (Dkt. # 5.) In the IFP application, Plaintiff reported that he receives no money from any source, has no money in cash or accounts, owns no valuable property, and has monthly expenses of \$65 for a phone bill. (*Id.* at 1-2.) Plaintiff did not provide any additional information to explain why he cannot pay court fees and costs. (*See id.* at 2.)

On November 13, 2024, Plaintiff was ordered to show cause by November 27, 2024, why this Court should not recommend that his IFP application be denied. (Dkt. # 6.) Specifically, Plaintiff was directed to inform the Court how he pays for food, shelter, and other basic necessities. (*Id.* at 2.) To date, Plaintiff has not filed a response to the Order to Show Cause.

1 The district court may permit indigent litigants to proceed IFP upon completion of a
2 proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status,
3 a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the
4 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523
5 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant
6 must show that he or she “cannot because of his [or her] poverty pay or give security for the
7 costs and still be able to provide him[or her]self and dependents with the necessities of life.”
8 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations
9 omitted).

10 Plaintiff has failed to correct or respond to the deficiencies in his IFP application, as
11 identified in this Court’s Order to Show Cause (dkt. # 6) and explained above. After careful
12 consideration of Plaintiff’s IFP application, the governing law, and the balance of the record, the
13 Court RECOMMENDS that Plaintiff’s IFP application (dkt. # 5) be DENIED and that Plaintiff
14 be directed to pay the filing fee. A proposed order accompanies this Report and
15 Recommendation.

16 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
17 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
18 Report and Recommendation is signed. Failure to file objections within the specified time may
19 affect your right to appeal. Objections should be noted for consideration on the District Judge’s
20 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
21 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
22 ready for consideration by the District Judge on **December 23, 2024**.

1 The Clerk is directed to send copies of this order to Plaintiff and to the Honorable
2 Richard A. Jones.

3 Dated this 6th day of December, 2024.

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5 MICHELLE L. PETERSON
6 United States Magistrate Judge
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